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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,784	02/11/2004	Manfred Eichenauer	2426.35US01	3227

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EXAMINER
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LUGO, CARLOS

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/776,784

Applicant(s)

EICHENAUER, MANFRED

Examiner

Carlos Lugo

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5-12 and 14 is/are rejected.
- 7) ☒ Claim(s) 3, 4 and 13 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Information Disclosure Statement***

1. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A (1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the examiner on form PTO-892 has cited the references, they have not been considered.

In the specification, page 1 lines 16-40, the applicant presents a list of related art. The applicant cites references DE 19934370, DE 20102819, US 6283514, and DE 4034023. This format of listing relative art is not in accordance with 37 CFR 1.98(b).

However, the examiner has considered the references and was cited in the PTO-892 attached to this Office Action. With respect to references DE 20102819 and DE 19934370, the examiner cited in the PTO-892 their corresponding US Patent Number, US 2020113701 and US 6539760 respectively.

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal

phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The abstract of the disclosure is objected to because of the phrase "the invention" in line 1. Correction is required. See MPEP § 608.01(b).

#### ***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. **Claims 1,2,6, and 14 are rejected** under 35 U.S.C. 102(b) as being anticipated by US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier).

Regarding claims 1 and 14, Kletzmaier discloses a safety lock an actuating unit and a locking unit. The actuating unit (4) comprises an actuator (5 and 6) that is guided in a displaceable manner and pushable into the locking unit (8). The actuator is lockable therein via an electromagnetically actuatable, pivotable catch (30), by way of interengaging engagement surfaces (Figures 4-7). The actuator further comprises a trigger element (the tip of element 5).

The locking unit (8) comprises a response element (15), which, with the actuator pushed in, reacts to the trigger element by emitting an electric signal, which triggers the locking action, wherein the catch is pivotable about an axis extending parallel to the movement direction of the actuator, and wherein the engagement surfaces of the catch and of the actuator run perpendicularly to the movement direction.

As to claim 2, Kletzmaier discloses that the actuator is latchable in a predetermined position in the locking unit by a latching device (the tip of 30).

As to claim 6, Kletzmaier illustrates that the engagement-surface arrangement of the catch is mirror-symmetrical in a direction perpendicular to the movement direction of the actuator.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claim 5 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier) as applied to claim 1 above, and further in view of EP 134,317 to Cahill.

As to claim 5, Kletzmaier fails to disclose that the engagement surfaces of the catch and of the actuator comprise complementary grooves and ribs. Kletzmaier discloses that the engagement surfaces of the catch and of the actuator comprise a complementary groove (at the actuator) and a rib (the end of 30).

Art Unit: 3676

Cahill teaches that it is well known in the art to have engagement surfaces of a catch (10) and an actuator (1) that comprises complementary grooves (11) and ribs (9).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lock described by Kletzmaier with a plurality of grooves and ribs, as taught by Cahill, in order to fixedly secure the actuator with respect to the catch.

8. **Claims 7 and 11 are rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier) as applied to claim 1 above, and further in view of US Pat No 5,690,373 to Luker.

As to claim 7, Kletzmaier fails to disclose that the locking device has a housing that has openings for fastening screws.

Luker teaches that it is well known in the art to have a locking unit enclosed inside a housing that includes openings to receive fastening screws (Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the locking unit described by Kletzmaier with a housing, as taught by Luker, in order to enclose and secure the locking unit from any damage.

As to claim 11, Luker teaches that the locking unit has a housing that comprises a slot (2) that is intended for introduction of the actuator with a height that is greater than the height of the actuator (3).

Art Unit: 3676

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the lock described by Kletzmaier with a housing that includes a slot to receive the actuator, as taught by Luker, in order to receive and secure the actuator.

9. **Claim 8 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier) in view of US Pat No 5,690,373 to Luker as applied to claim 7 above, and further in view of US Pat No 4,613,176 to Kelly.

Kletzmaier, as modified by Luker, fails to disclose that the accommodating openings are slots. Kletzmaier, as modified by Luker teaches that the accommodating openings are apertures.

Kelly teaches that it is well known in the art to have accommodating openings that are slots (36) to receive screws in order to install a housing (35).

It would have been obvious to one having ordinary skill in the art to provide the lock housing described by Kletzmaier, as modified by Luker, with slots, as taught by Kelly, in order to be able of accommodate the housing in different positions.

10. **Claim 9 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier) as applied to claim 1 above, and further in view of US Pat No 1,215,286 to Kollmeyer.

Kletzmaier fails to disclose that the actuator unit has a housing that can be fitted such that it can be adjusted in position in relation to the locking unit.

Art Unit: 3676

Kollmeyer teaches that it is known in the art to have an actuator unit (3) having a housing that is capable of being adjusted in position in relation to the locking unit (by means of the screw connection 6).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the locking unit described by Kletzmaier with an adjustable actuator unit housing, as taught by Kollmeyer, in order to enclose and secure the actuator unit from any damage and to position it in a desired position with respect to the locking unit.

**11. Claim 12 is rejected** under 35 U.S.C. 103(a) as being unpatentable over US Pat No 4,563,886 to Kletzmaier et al (Kletzmaier) in view of US Pat No 5,690,373 to Luker as applied to claim 11 above, and further in view of US Pat No 1,215,286 to Kollmeyer.

Kletzmaier, as modified by Luker, fails to disclose that the locking unit has a housing that has openings so as to allow the introduction of the actuator. Kletzmaier, as modified by Luker, teaches a housing that includes only one opening.

Kollmeyer teaches that it is known in the art to have a locking unit (4) having a housing that includes two openings so as to introduce an actuator (7) therethrough.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the locking unit housing described by Kletzmaier, as modified by Luker, with an adjustable actuator unit housing, as taught by Kollmeyer, in order to enclose and secure the actuator.



***Allowable Subject Matter***

12. **Claims 3 and 13 are objected to** as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Claim 4 would also be allowed because the claim depends from claim 3.

**Reasons For Allowable Subject Matter**

13. The following is an examiner's statement of reasons for allowable subject matter:

Claims 3 and 13 presents allowable subject matter over the prior art of record because the teachings of the references taken as a whole do not teach or render obvious the combination set forth, including that the safety lock includes a sensor device to sense the position of the catch (claim 3) and that the locking unit includes an insert wherein the catch is mounted in a pivotable manner and forms a channel to receive the actuator (claim 13).

Regarding claim 3, Kletzmaier discloses the use of a sensing device (16). However, this sensing device is used to sense the position of the actuator, not the catch.

As to claim 13, Kletzmaier discloses that the locking unit includes an insert (34) wherein the catch (30) is mounted in a pivotable manner. However, Kletzmaier fails to disclose that the insert forms a channel to receive the actuator.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

Art Unit: 3676

accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Conclusion***

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carlos Lugo whose telephone number 571-272-7058. The examiner can normally be reached on 9-6pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Glessner can be reached on 571-272-6843. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-5771.

C.L.  
Carlos Lugo  
AU 3676

July 12, 2005

  
**BRIAN E. GLESSNER**  
**PRIMARY EXAMINER**